

REMARKS

This application has been reviewed in light of the Office Action dated September 7, 2007. Claims 32, 33, 36-38, 41-43, 46 and 47 are presented for examination, of which Claims 32, 37, 42 and 47 are in independent form. Claims 32, 33, 36-38, 41-43, 46 and 47 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claims 32, 33, 36-38, 41-43, 46 and 47 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement on the ground that the claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants have carefully reviewed and amended the claims so that they fully conform the requirements of Section 112, first paragraph, with special attention to the points raised in the Office Action. The amendments to the claims are supported by at least Figure 16 and the corresponding description in the specification (see, pages 25-26). Applicants believe that the rejection under Section 112 has been obviated and its withdrawal is, therefore, respectfully requested.

Claims 32, 33 and 36 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter on the ground that “each of the claim limitations can be reasonably construed as software modules resulting in an apparatus claim consisting entirely of modules, or software per se.” Applicants strongly disagree. While the claims may include software modules, the inventions recited in these claims clearly are apparatuses and are not software per se. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 32, 33, 36-38, 41-43 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,628,422 (Ouchi) in view of U.S. Application Publication No.2004/0215744 (Motoyama et al.) and further in view of TCP/IP Illustrated Volume I, "The Protocols", (W. Richard Stevens).

As shown above, Applicants have amended independent Claims 32, 37, 42 and 47 in terms that more clearly define what they regard as their invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 32 is directed to an image processing apparatus connected with an external information processing apparatus and a peripheral apparatus via a network. The image processing apparatus includes: (1) sending means for sending a scanner driver to the external information processing apparatus for scanning an image to get data; (2) obtaining means for obtaining a writing program delivered from the external information processing apparatus; (3) executing means for executing a scanning process to obtain data in response to scan request from the scanner driver in the external information processing apparatus sent by said sending means; and (4) transmitting means for transmitting the data obtained by the scanning process using the obtained writing program. The transmitting means is controlled by the writing program to cause a print service in the peripheral device to print the data obtained by the scanning process, and the print service is called remotely using a remote procedure call implemented in the writing program.

Among other notable features of Claim 32 are: (1) sending means for sending a scanner driver to the external information processing apparatus for scanning an image to get data;

(2) obtaining means for obtaining a writing program delivered from the external information processing apparatus; and (3) executing means for executing a scanning process to obtain data in response to scan request from the scanner driver in the external information processing apparatus sent by said sending means; and (4) transmitting means for transmitting the data obtained by the scanning process using the obtained writing program. By virtue of the structure recited in Claim 32, the external information processing apparatus can configure a remote copy service system dynamically using various image processing apparatuses and peripheral devices.

Ouchi relates to a image forming system including a host apparatus, a scanner and an image forming apparatus. Ouchi discusses that data scanned by the scanner is processed using a control program sent to the scanner by the host apparatus, and that the data is then sent to the image forming apparatus. However, Applicants have found nothing in Ouchi that would teach or suggest sending means for sending a scanner driver to the external information processing apparatus for scanning an image to get data; obtaining means for obtaining a writing program delivered from the external information processing apparatus; executing means for executing a scanning process to obtain data in response to scan request from the scanner driver in the external information processing apparatus sent by said sending means; or transmitting means for transmitting the data obtained by the scanning process using the obtained writing program, as recited in Claim 32.

Accordingly, Applicants submit that Claim 32 is allowable over Ouchi.

A review of the other art of record, including Motoyama and Ouchi, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 32.

Independent Claims 37, 42 and 47 are method, computer program product and network system claims, respectively, corresponding to apparatus Claim 32, and are believed to be patentable over the cited prior art for at least the same reasons as discussed above in connection with Claim 32.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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